

## **Remarks**

### **1. Summary of the Office Action**

In the final office action mailed February 1, 2008, the Examiner rejected claims 1-20 under 35 U.S.C. § 101 on grounds of allegedly being directed to non-statutory subject matter. Further, the Examiner rejected claims 1-2, 4-8, 11-15, and 17-25 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,373,930 (McConnell), the Examiner rejected claims 3 and 16 under 35 U.S.C. § 103(a) as being allegedly obvious over McConnell in view of U.S. Patent No. 7,263,354 (Naim), and the Examiner rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being allegedly obvious over McConnell in view of U.S. Patent No. 6,963,583 (Foti).

### **2. Status of the Claims**

Pending are claims 1-25, of which claims 1, 14, and 21 are independent and the remainder are dependent.

### **3. Response to § 101 Rejections**

The Examiner rejected claims 3-4 and 15-16 as being allegedly directed to non-statutory subject matter because the claims recite "logic" for applying pre-paid call processing and ring-back tone processing. Applicant assumes the Examiner meant to refer to claims 2-3 and 15-16, rather than 3-4 and 15-16. Nevertheless, Applicant submits that this § 101 rejection is clearly improper, since claims 2-3 and 15-16 are clearly directed to patentable subject matter.

Claims 2-3 and 15-16 are dependent claims that incorporate the elements of their parent independent claims, which are clearly directed to patentable subject matter. The fact that the dependent claims each add a recitation of applying processing logic does not change the fact that the claims are directed to the combination of applying that processing logic and the functions recited by their respective independent claims. Properly interpreting the claims in this manner,

the claims are clearly directed to patentable subject matter. Therefore, the § 101 rejection should be withdrawn.

The Examiner next rejected claims 1-20 as being allegedly directed to non-statutory subject matter, on grounds that the specification states that the method can be implemented in the form of software. First, the recited portion of the specification refers merely to SCP service logic. Second, the fact that the specification notes that the SCP service logic can be implemented as machine language instructions in the form of software clearly does not mean that the invention as recited by claims 1-20 should be interpreted as software. Third, even if the method claims could be interpreted as being directed to software-based functions, the claims are still directed to statutory subject matter, as the claims clearly recite input/output functions such as receiving requests, directing a switch to set up a call, and so forth. For these reasons, Applicant submits that the § 101 rejection of claims 1-20 is clearly erroneous and should be withdrawn.

#### **4. Response to § 102 and § 103 Rejections**

As noted above, the Examiner rejected claims 1-2, 4-8, 11-15, and 17-25 as being allegedly anticipated by McConnell. Applicant submits that this rejection is clearly erroneous and should be withdrawn, because McConnell does not teach each and every element of any of these claims. At a minimum, for instance, McConnell does not teach the use of a non-loop parameter as recited in the present claims.

In rejecting independent claims 1, 14, and 21, the Examiner did not make out a clear case of where in McConnell the presently claimed invention is allegedly disclosed. The Examiner cited to various portions of McConnell, but in many instances the Examiner seems to have over-generalized the disclosure of McConnell in an effort to support a conclusion that McConnell

teaches the claimed invention, similar to how the Examiner treated the Donovan reference in the first office action.

For example, the Examiner referred to McConnell's teaching of the general concept of a "service code" such as \*87 as allegedly being usable as the non-loop parameter of the present claims and particularly as somehow indicating that call setup signaling has already occurred to the service node and thus to help avoid endless looping. Yet a review of McConnell reveals no such teaching. McConnell teaches that an SCP can concatenate a service code with dialed digits, to cause a switch to route a call via a looparound trunk. McConnell does not teach use of a service code as an indication that call setup has already occurred to a service node.

As another example, the Examiner referred to McConnell's teaching of an IP sending a second IAM message to a switch for setting up a call to the switch on an inbound looparound trunk and for causing the switch to set up the call back to the IP, as somehow teaching the use of a non-loop parameter of the present claims. And the Examiner referred to McConnell's teaching of IS-41 redirection messages as somehow indicating that call setup signaling has already occurred as in the present claims. Further, the Examiner referred to McConnell's teaching of an IP sending a third IAM message to a switch for setting up a call to the switch on an inbound looparound trunk and for causing the switch to set up the call to its originally intended destination, and the IP notifying the SCP that an account-balance call has begun, as somehow relating to use of a non-loop parameter as in the present claims. Yet a review of the cited portions of McConnell and of McConnell as a whole reveals no teaching of use of a non-loop parameter as presently claimed.

As McConnell fails to teach use of a non-loop parameter as presently claimed, McConnell fails to anticipate the independent claims. Applicant therefore submits that the

independent claims are allowable. Further, without conceding the other assertions by the Examiner, Applicant submits that the dependent claims are allowable for at least the reason that they depend from the allowable independent claims.

For these reasons, Applicant submits that all of the claims are allowable. Therefore, Applicant respectfully requests favorable reconsideration and allowance of the claims.

Should the Examiner wish to discuss this invention with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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